

Notice of Allowability

Application No.

10/676,717

Examiner

James A. Reagan

Applicant(s)

BLAIR ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and the terminal disclaimer each filed on 13 February 2006.
2. ☒ The allowed claim(s) is/are 1, 2, 6-8, 12-15, and 17-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____

DETAILED ACTION

Status of Claims

1. This action is in response to the amendment and the terminal disclaimer each filed on 13 February 2006.
2. Claims 1 and 13 have been amended by examiner's amendment below.
3. Claim 4 has been cancelled by examiner's amendment below.
4. Claims 1, 2, 6-8, 12-15, and 17-21 are currently pending and have been examined.

Information Disclosure Statement

5. The Information Disclosure Statements filed on 13 February 2006 and on 03 February have been considered. An initialed copy of the Form 1449 is enclosed herewith.

Terminal Disclaimer

6. The terminal disclaimer filed on 13 February 2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of 31 March 2021 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

7. Claims 1, 2, 6-8, 12-15, and 17-21 are allowed. See Reasons for Allowance under separate heading.

EXAMINER'S AMENDMENT

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
9. Authorization for this examiner's amendment was given in a telephone interview with Daren J. Gibby on 08 February 2006.

Amendments to the Claims:

Please cancel Claim 4 and amend Claims 1 and 13 as indicated in the following listing of claims, which replaces all prior versions and listings of claims in the application.

Listing of Claims:

Claim 1. (Currently amended) A method for accepting a payment from a consumer for monies owed by the consumer to a lender pursuant to a financial relationship between the consumer and the lender, the method comprising:

receiving a promise-to-pay record from a lender system operated by the lender at a payment service provider system operated by a payment service provider distinct from the lender, the record comprising a set of identifiers forming a database, the database comprising existing promise-to-pay accounts, the set of identifiers being formatted into a consumer database, the consumer database being operated by the payment service provider, the promise-to-pay record identifying at least a payment amount and including a transaction identifier of the set of identifiers;

receiving, at the payment service provider system, a record of receipt of a cash payment from the consumer to the payment service provider, the record of receipt identifying a paid

amount and including a purported identifier provided by the consumer wherein the consumer is physically present at a payment service provider location when making the payment;

associating the record of receipt of the cash payment with the promise-to-pay record at the payment service provider system, wherein associating the record of the cash payment with the promise-to-pay record comprises matching the purported transaction identifier provided by the consumer with the transaction identifier included in the promise-to-pay record;

sending a notice from the payment service provider system to the lender system, the notice comprising an indicator that the cash payment has been received, the indicator identifying the paid amount; and

initiating, with the payment service provider system, an electronic funds transfer of at least a portion of the paid amount to control of the lender in response to receipt of the cash payment by the payment service provider.

Claim 2. (Previously presented) The method as in claim 1 further comprising storing a record of the cash payment in a database coupled with the payment service provider system.

Claims 3–5 (Canceled).

Claim 6. (Previously presented) The method as in claim 1 wherein the promise-to-pay record comprises a time limit, and wherein associating the record of receipt of the cash payment with the promise-to-pay record comprises verifying with the payment service provider system that the cash payment was made to the payment service provider within the time limit.

Claim 7. (Previously presented) The method as in claim 6 further comprising sending a request for instructions from the payment service provider system to the lender system if the time limit expires without the payment service provider receiving the cash payment.

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Claim 8. (Previously presented) The method as in claim 6 further comprising sending a request for instructions from the payment service provider system to the lender system if the consumer attempts payment after the time limit expires.

Claims 9–11 (Canceled).

Claim 12. (Previously presented) The method as in claim 1 wherein:

the promise-to-pay record includes information that identifies the customer; and

associating the record of receipt of the cash payment with the promise-to-pay record comprises verifying a consumer identity through a comparison with the information that identifies the customer in the promise-to-pay record.

Claim 13. (Currently amended) A method for staging a transaction involving a payment from a customer for monies owed by the customer to a lender pursuant to a financial relationship between the customer and the lender, the method comprising:

receiving, at a lender system operated by the lender, a promise-to-pay a specified payment amount from the customer;

creating a promise-to-pay record with the lender system, the promise-to-pay record including the specified payment amount and an expiration time;

transmitting the promise-to-pay record to a payment service provider system operated by payment service provider distinct from the lender, the record comprising at least one identifier forming a database, the database comprising existing promise-to-pay accounts associated with a set of identifiers, the identifiers being formatted into a consumer database, the consumer database being operated by the payment service provider, the promise-to-pay record identifying a payment amount and a transaction identifier of the set of identifiers;

receiving, at the payment service provider system, a record of receipt of a cash payment from the consumer to the payment service provider, the record of receipt identifying a paid

amount and including a purported identifier provided by the consumer wherein the consumer is physically present at a payment service provider location when making the payment;

receiving a notice of payment at the lender system from the payment service provider system if the payment service provider received from the customer a cash payment that equals or exceeds the payment amount prior to the expiration time; and

electronically receiving with the lender system a transfer of at least a portion of the payment amount pursuant to an electronic funds transfer initiated by the payment service provider system in response to receipt of the cash payment by the payment service provider.

Claim 14. (Previously presented) The method as in claim 13 further comprising updating, with the lender system, the promise-to-pay record to include the notice of payment.

Claim 15. (Previously presented) The method as in claim 13 further comprising:

receiving at the lender system a notice of non-effective payment from the payment service provider system; and

updating, with the lender system, the promise-to-pay record to include the notice of non-effective payment.

Claim 16 (Canceled).

Claim 17. (Original) The method as in claim 13 wherein the customer comprises a borrower, and the promise-to-pay comprises a promise to pay a delinquent amount owed by the borrower.

Claim 18. (Previously presented) The method as in claim 13 further comprising associating a transaction identifier with the promise-to-pay record with the lender system.

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Claim 19. (Original) The method as in claim 18 further comprising providing the transaction identifier to the customer.

Claim 20. (Previously presented) The method as in claim 13 further comprising receiving a request for instructions at the lender system from the payment service provider system.

Claim 21. (Previously presented) The method as in claim 20 further comprising providing the payment service provider system with an instruction in response to the request for instructions from the lender system.

Reasons For Allowance

10. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system components of:

- *receiving a promise-to-pay record from a lender system operated by the lender at a payment service provider system operated by a payment service provider distinct from the lender, the record comprising a set of identifiers forming a database, the database comprising existing promise-to-pay accounts, the set of identifiers being formatted into a consumer database, the consumer database being operated by the payment service provider, the promise-to-pay record identifying at least a payment amount and including a transaction identifier of the set of identifiers;*
- *receiving, at the payment service provider system, a record of receipt of a cash payment from the consumer to the payment service provider, the record of receipt*

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identifying a paid amount and including a purported identifier provided by the consumer wherein the consumer is physically present at a payment service provider location when making the payment;

More specifically, the prior art of record fails to disclose a payment office that maintains present and future customer account information, which allows a customer to subsequently make payments to an account based upon a promise-to-pay record by walking into a participating office.

Independent claims 1 and 13 are distinguished over the closest prior art of Cornwell, ("Western Union Service Growing", and "Payment Systems: Western Union Service for Overdue Accounts Resolving Delinquent Cards") which discloses a walk-up bill paying service. However, Cornwell is silent regarding the particulars of the bill payment system such as the promise-to-pay record and the database which contains account numbers of existing customers, account numbers set aside for future customers, and a database which links the customer's account numbers to external account such as for utilities and phone service. As recited in independent claims 1 and 13, it is clear that the Applicant's invention is distinguished over the Cornwell invention in at least the method step of receiving a promise-to-pay record from a lender system operated by the lender at a payment service provider system operated by a payment service provider distinct from the lender, the record comprising a set of identifiers forming a database, the database comprising existing promise-to-pay accounts, the set of identifiers being formatted into a consumer database, the consumer database being operated by the payment service provider, the promise-to-pay record identifying at least a payment amount and including a transaction identifier of the set of identifiers. Although Cornwell does disclose a walk-up bill paying service, Cornwell does not disclose the required database functionality nor does Cornwell disclose a promise-to-pay record. Dependent claims 2, 6-8, 12, 14, 15, and 17-21 are subsequently allowable because they are dependent upon allowed independent claims 1 and 13.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- FEIKEN, ALBERTUS (EP 700023 A1) teaches Improved integrity of a payment system for the payment of services or goods, for example telephone facilities, making use of electronic payment cards.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on

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8:00a - 5:00p M-F. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).*

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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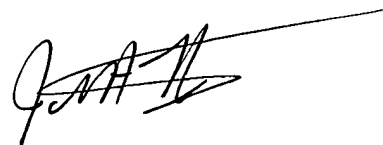
Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

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22 March 2006

A handwritten signature in black ink, appearing to read 'J. A. Reagan', with a long horizontal line extending from the end of the signature.